



ROBERT L. EHRLICH, JR.
GOVERNOR

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TTY USERS CALL VIA MD RELAY

May 21, 2003

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution today I have vetoed House Bill 879 - *State Government - State Law Enforcement Officers - Application for Lost Pay and Attorneys' Fees*.

House Bill 879 authorizes the Board of Public Works to approve payment of lost wages and reasonable attorney's fees resulting from a suspension without pay to an applicant from a State law enforcement agency, less any amount for lost wages due to unrelated administrative suspension or disciplinary action, if: (1) the suspension occurred as a result of one or more criminal charges filed against the applicant; and (2) the final disposition of each charge resulted in a dismissal, *nolle prosequi*, or acquittal. The bill prohibits the Board of Public Works from approving payment to a law enforcement applicant if the applicant is terminated from employment as a result of an administrative proceeding resulting from the same criminal charges or the applicant resigns before resuming duties for pay. The bill applies retroactively to any claims for lost wages and attorney's fees filed on or after September 25, 2000.

Currently, the Board of Public Works has authority to award a State law enforcement officer lost wages and reasonable attorney's fees if the officer has been charged with a crime and the charges do not result in a guilty plea, a plea of *nolo contendere*, or a finding of guilt. There are no limitations on the board awarding lost wages. To that extent, House Bill 879 limits the current authority of the Board to award lost wages. I do not think the fact that an individual resigns from his position before resuming paid duties should automatically disqualify the individual from receiving lost wages.

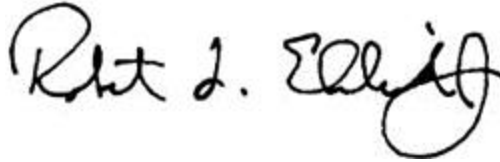
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Under current law, before the Board of Public Works may award attorney's fees, the Attorney General must certify that the applicant retained counsel and that the applicant notified the Attorney General that the applicant retained counsel. Further, after reviewing the evidence and other information, the Attorney General must find that in connection with a matter under criminal investigation that the applicant acted in good faith, did not engage in unlawful conduct, and the counsel fees incurred were reasonable.

I find it appropriate that the Attorney General, who has received notice of the case and thus been able to follow and investigate the case, should be required to make the findings described above before the Board of Public Works pays counsel fees. To allow an applicant to circumvent this process is not good public policy. This would require the Board in every case to conduct its own investigation of these cases, essentially duplicating what the law now provides. This is not an efficient use of resources.

For the above stated reasons, I have vetoed House Bill 879.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Ehrlich, Jr.", with a stylized flourish at the end.

Robert L. Ehrlich, Jr.
Governor